

## REMARKS

The Applicant again thanks the Examiner for his thorough review of the present application. Claims 3-5, 7-16 and 18-20 are currently pending. In the outstanding Office Action, the Examiner has rejected claims 1-20 under §§ 112. The Examiner has also rejected claims 1, 2, 6, 8 - 11 and 15 under §§ 102 and 103 in view of U.S. patents to Laendler, Mochak and Phillips. Finally, the Examiner indicates that claims 3-5, 7, 12-16 and 18-19 would be allowable if rewritten to overcome the §112 rejections and include the limitations of the base claim and intervening claims. In response, the Applicant has amended the pending claims and respectfully requests reconsideration of the outstanding rejections.

### Claim Amendments

The Applicant has amended the claims 8 and 10 to clarify that the beveled edge is spaced apart from the bore when the edge is engaged with the cartridge rim *and the cartridge is within said bore in a position in which the cartridge may be discharged*. Additionally, claims 3-5, 7, 12-16 and 18-19 have been amended to overcome the Examiner's §112 rejections and to include the base and intervening claim limitations. Claim 20 has been amended to include the limitation of claim 13 which the Examiner has noted as allowable subject matter. No new matter has been entered.

### Claim Rejections – 35 U.S.C. §112

The Applicant has amended claims 4-6, 8, 10, 13-15 and 20 to address the Examiner's §112 rejections. Specifically, the Applicant has amended the claims to provide antecedent bases for the terms "the cylinder bores," "the cylinder," "the bores of a cylinder," "the rim of a cartridge," "said bore," and "the concave inner surfaces." The Applicant has replaced the term "revolver" with "firearm" in claims 10, 13 and 14 to address the §112 rejections of these claims.

Claim Rejections – 35 U.S.C. §102

The Examiner has rejected claims 1, 2, 6, 10, 11, 15 and 20 under §102 as being anticipated by Laendler (U.S. Pat. No. 4,934,082). Laendler, however, does not disclose multiple limitations of these claims and Applicant respectfully requests reconsideration.

According to the MPEP, for anticipation under §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. See MPEP §706.02. Any feature not directly taught must be inherently present. *Id.*

Here, the Applicant has amended claim 10 to include the limitation that the inner surface of extractor plate is spaced apart from the cylinder bore when the inner surface is engaged with the cartridge rim and the cartridge is within the cylinder bore in a position in which the cartridge may be discharged. Laendler does not disclose or suggest this limitation. Indeed, Laendler discloses a clip 32 with arms 36 that define multiple cartridge receiving openings 40. (Laendler, FIG. 4, col. 4). The clip 32 fits into a clip recess 22 in the rear face of the cylinder 10. (*Id.* FIG. 2). Cartridges are inserted into the openings 40 and are gripped “firmly” by arms 36 which have a radius slightly *smaller* than that of the cylinders. (*Id.* col. 4, lines 5-40). Significantly, as shown in FIG. 3, the arms form part of the cylinder 12 as they extend into the cylinder 12 (they are of a smaller radius) and are flush (within the clip recess 22) with the remaining shoulder of the cylinder 24. (*Id.* col. 3, lines 45-48.).

As discussed previously, the fact that the inner surface of the extractor plate is spaced apart from the bore when the edge is engaged with the cartridge rim and the cartridge is within the cylinder bore in a position in which the cartridge may be discharged is an important aspect of the present invention. Thin walled cartridges such as rim fire cartridges expand against the bores under the pressures generated during firing. App. at [0005]. Such expansion could potentially make extraction difficult as prior art extractor plates form part of the cylinder bores. *Id.* The present

invention addresses this problem through an extractor plate that does *not* form a part of the bores. App. at [0007]. That is, the beveled edge of the extractor is spaced apart from the bore when the edge is engaged with the cartridge rim. As such, the cartridge does not expand against the extractor and removal is not impeded.

In contrast, Laendler does not disclose, teach or suggest any configuration other than what is shown in the Figures and does not even hint at the problem of expansion of rim fire cartridges after discharge.

Claim 11 depends from amended claim 10 and is allowable for the above-described reasons.

Claim 15 has been amended as the Examiner has suggested in his Allowable Subject Matter.

Claim 20 has been amended to contain the beveled edge limitation of claim 13 which the Examiner has indicated is allowable subject matter over Laendler.

#### Claim Rejections – 35 U.S.C. §103

The Examiner rejects claims 8 and 9 under 35 U.S.C. § 103(a) for allegedly being obvious over Mochak in view of Philips. Applicant respectfully traverses the rejection applied to the pending claims. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

In response to the Examiner's arguments, the Applicant has amended claim 8 to further clarify that the beveled edge of the inner surface formed by the arms is spaced apart from the bore when the edge is engaged with the cartridge rim *and the cartridge is within the cylinder bore in a position in which the cartridge may be discharged*. Neither Mochak or Phillips alone or in combination teach or suggest this limitation.

In view of the above, Applicant believes that claim 8 as amended, as well as dependent claim 9, are not obviated by Mochak, Philips, and *In re Boesch* alone or in combination. As such, Applicant respectfully requests reconsideration.

#### Allowable Subject Matter

The Examiner has indicated that claims 3-5, 7, 12-16 and 18-19 would be allowable if rewritten to overcome the §112 rejections and to include the limitations of the base claim and intervening claims. As such, the Applicant has added the limitations of now cancelled claim 1 to claims 3 and 4 and made these claims independent. Claim 5 depends from claim 4 and therefore contains its limitations. Claim 7 has been amended to include the limitations of now cancelled claims 1 and 6. Moreover, claims 12, 13 and 15 have been rewritten in independent form to include the limitations of base claim 10. The Applicant notes that claim 14 depends from newly rewritten claim 13 and contains its limitations. Likewise, claim 16 depends from rewritten claim 15 and should be allowable. Finally, claims 18 and 19 have been rewritten in independent form to include the limitations of now cancelled claim 17.


#### Conclusion

The Applicant believes it has overcome each rejection raised by the Examiner and respectfully requests that the Examiner withdraw the rejections of claims Claims 3-5, 7-16 and 18-20 and pass these claims to issuance.

Do not hesitate to call Applicants' attorneys at the number below if they may help expedite the prosecution of this application in any way.

The Commissioner is hereby authorized to charge the Deposit Account No. 13-0235 if it is determined that payment of a fee is required.

Respectfully submitted,

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